

August 10, 2001

*Sent*

ROBERT J. BLOOMER  
4328 W. 12000 SOUTH  
SPRING LAKE, UT 84651

Dear Mr. Bloomer:

Your letter was forwarded to me for response. Jim Riley and I spoke with Payson City concerning their development plans. According to their representative, they have started construction of the pipeline, however, they do not anticipate that the project will be completed and ready to divert water during this year. I believe their plans do include the installation of a water meter.

We have no reason at this point to believe that the city will divert more water than allowed by its water right 51-1266 (a24911). You are correct in stating that the limits of the water right are 3.33 cfs or 1400 acre feet per year. If the city elects to pump at a continuous rate of 3.33 cfs, it will divert 1400 acre feet in about seven months. This is probably the way the water will be used because we believe it appears that Payson is planning to use the water only during the irrigation season in their secondary irrigation system.

You requested that we establish the current out flow from the lake and determine what impact Payson's project will have on the lake. Unfortunately, we do not have the manpower available to undertake this investigation for you. The impact that the pumping will have on the lake will vary depending upon the water year; more impact in dry years and less impact in wet ones.

The question concerning the impact of the pumping on the lake is a little late because the change application proposing the new point of diversion has already been approved. This issue could have been the subject of a protest of the change application. A hearing could then have been held and the concerned water users could have presented any information they had concerning the current status of the lake and the possible effects of the change. The application was advertised in the Payson Chronicle, however, no protests were received by the Division of Water Rights.

Because the change application has been approved, the state engineer has no cause of action at this time that would require a review of the proposal or other administrative action on the water right involved. At some future time, if the concerned water users do present evidence showing that Payson City's pumping at this point of diversion has interfered with their use of water under their water rights, the state engineer would consider the issue and determine any necessary mitigation.

Page two  
Mr. Bloomer

I hope this information will be helpful to you. If you have any further questions, please contact me at (801)538-7380 or Jim Riley at (801)538-7400.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee H. Sim". The signature is stylized with a large, looping initial "L" and a cursive "Sim".

Lee H. Sim, P.E.

Assistant State Engineer for Distribution

cc: Jim Riley, Regional Engineer